

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BRIDGESTONE SPORTS CO., LTD.,	)	
and BRIDGESTONE GOLF, INC.,	)	
	)	
Plaintiffs,	)	C. A. No. 05-132 (JJF)
	)	
v.	)	
	)	<b>PUBLIC VERSION</b>
ACUSHNET COMPANY,	)	
	)	
Defendant.	)	

**ACUSHNET'S REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY  
JUDGMENT OF NON-INFRINGEMENT OF U.S. PATENT NUMBER 5,782,707**

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## TABLE OF CONTENTS

I.	MR. CADORNIGA IS UNQUALIFIED TO GIVE HIS OPINION ON STATISTICS .....	1
A.	Mr. Cadorniga Admittedly Is Not an Expert in Statistics.....	1
B.	Dr. Caulfield is Not an Expert in Statistics.....	2
C.	Bridgestone Has Not Established that Mr. Cadorniga's Methods are Reliable. ....	3
D.	Acushnet's Competitive Ball Data Does Not Qualify Cadorniga to Render a Statistical Opinion. ....	4
II.	CONCLUSION.....	5

## TABLE OF AUTHORITIES

### CASES

<i>Glaros v. H.H. Robertson Co.</i> , 797 F.2d 1564 (Fed. Cir. 1986).....	1
<i>Kerrigan v. Maxon Ind.</i> , 223 F.Supp.2d 626 (E.D. Pa 2002) .....	3
<i>Pettway v. American Cast Iron Pipe Co.</i> , 576 F.2d 1157 (5th Cir. 1978) .....	3
<i>Waldorf v. Shuta</i> , 142 F. 3d 601 (3d Cir. 1998).....	4

### STATUTES

Fed. R. Civ. P. 56(d) .....	1
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Defendant, Acushnet Company (“Acushnet”), files this reply memorandum in support of its motion for summary judgment that U.S. Patent No. 5,782,707 (the ‘707 Patent”) is not infringed by Acushnet.

**I. MR. CADORNIGA IS UNQUALIFIED TO GIVE HIS  
OPINION ON STATISTICS**

In its opening brief, Acushnet showed that Mr. Cadorniga is unqualified as a statistical expert and he fails to provide a reliable statistical analysis that will assist the trier of fact in determining infringement; and therefore, Mr. Cadorniga is unable to extrapolate that all 100 million accused Pro V1 golf balls infringe claim 1 of the ‘707 patent based on Dr. Caulfield’s test results from five Pro V1 golf balls obtained from usedgolfballs.com. (Acushnet’s Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 5,782,707 (“D.I. 369”) at 2).

In its Opposition, Bridgestone wholly fails to proffer any evidence that Mr. Cadorniga, or Dr. Caulfield, is indeed qualified to render that opinion; nor has Bridgestone proffered any evidence that either expert has reviewed or tested any Pro V1 ball that is representative of all 100 million accused Pro V1 balls. Therefore, Acushnet has demonstrated that it is entitled to, at a minimum, an order precluding Mr. Cadorniga and Dr. Caulfield from offering “expert” testimony that all 100 million Pro V1 golf balls infringe claim 1 of the ‘707 patent. *See* Fed. R. Civ. P. 56(d); *Glaros v. H.H. Robertson Co.*, 797 F.2d 1564, 1570 (Fed. Cir. 1986).

**A. Mr. Cadorniga Admittedly Is Not an Expert in  
Statistics.**

Although Mr. Cadorniga explicitly opines in his report that “the number of samples of the accused Acushnet golf balls tested is more than sufficient to comprise a statistically significant sample,” he admits that he is not an expert in statistics. (*See* D.I. 369, Ex. 6, 3/12/2007 Cadorniga Tr. at 19:1-3; 278:22 – 280:12; *id.*, Ex. 9, 1/16/2007 Cadorniga Report at 6). Yet, Mr. Cadorniga relies upon testing performed by Dr.

Caulfield on five Pro V1 used golf balls in formulating his infringement opinion, but fails to provide any statistical analysis in extrapolating his opinion on those five balls to the entire universe of 100 million accused Pro V1 balls. (D.I. 369, Ex. 6, 1/16/2007 Cadorniga Report at Exs. E, F. and G).

In its Opposition, Bridgestone does not and cannot dispute Mr. Cadorniga's lack of statistical qualifications. Bridgestone's only retort is that Mr. Cadorniga has been in the golf ball industry for 30 years. (Bridgestone's Answering Brief in Opposition to Acushnet's Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 5,782,707 ("D.I. 415") at 19). Given his testimony, Mr. Cadorniga would be surprised to learn that his 30 years in the golf ball industry have made him into an expert in statistics overnight. Bridgestone cannot dispute its own witness' characterization of himself. There is no factual dispute here.

#### **B. Dr. Caulfield is Not an Expert in Statistics.**

Desperate to provide the legitimate expertise needed to opine that the five balls tested do indeed comprise a statistically significant sample, Bridgestone raises for the first time in its Opposition that its testing expert, Dr. Caulfield, is moonlighting as their statistics expert. (D.I. 415 at 9-10). Yet, Dr. Caulfield has *never* given his expert opinion on the statistical significance of the Pro V1 five-ball sample. The deposition testimony Bridgestone cites is simply Dr. Caulfield answering a hypothetical question regarding small sample sizes. (D.I. 415 at 9-10).

Further, Bridgestone has presented no evidence that Dr. Caulfield is an expert in statistics. Even if they had, Bridgestone never designated Dr. Caulfield as an expert witness in statistics during the expert discovery phase of this case; nor does Dr. Caulfield purport to be an expert on statistics; in his report, he states that he is competent to testify regarding the "material properties and material property testing of golf balls." (D.I. 369, Ex. 11, 1/16/2007 Caulfield Report at ¶ 8). Bridgestone had ample time to provide a

rebuttal witness to Acushnet's statistical expert, Clifton Sutton, during expert discovery, which it failed to do.

Moreover, Bridgestone does not intend to call him to testify to statistical matters at trial. (*See* Ex. 1, 5/2/2007 Bridgestone's Proposed Witness List at 5).

It is undisputed that Dr. Caulfield has not provided, nor has Bridgestone shown that he is qualified to provide, any analysis or opinion regarding the statistical significance of the five Pro V1 balls that he tested in connection with his expert report.

**C. Bridgestone Has Not Established that Mr. Cadorniga's Methods are Reliable.**

Bridgestone argues that Dr. Caulfield performed all the testing with the appropriate equipment, in-line with industry standards and protocols. Bridgestone misses the point. The propriety of Dr. Caulfield's testing methods and protocols are not at issue in this motion. The issue is the unreliability of Mr. Cadorniga's analysis that led him to conclude that the results of those tests on *five* balls meant *one hundred million* Pro V1 balls infringed claim 1 of the '707 patent.

Acushnet has demonstrated that Mr. Cadorniga's expert opinion is nothing more than an account of the examination of the golf balls tested by Dr. Caulfield, not "an informative explanation of the methods upon which he relied to test his theory that" all of the accused golf balls have a hardness gradient between 8 and 20. *See Kerrigan v. Maxon Ind.*, 223 F.Supp.2d 626, 638 (E.D. Pa 2002) (rejecting an expert's extrapolation from observations of one device to a theory regarding the behavior of a proposed new design).

Bridgestone has proffered no evidence to show that the balls that Dr. Caulfield tested are representative of the entire population of accused golf balls. Instead, the evidence is that Bridgestone obtained the five balls from either "usedgolfballs.com," or "lostgolfballs.com." (*See* Ex. 2, 3/30/2007 Jones Tr. at 131:3 – 131:11; Ex. 3, picture of egg carton marked Pro V1 392). According to the "lostgolfballs.com" website, the golf

balls were picked up off the ground (or likely at the bottom of a pond) on a golf course, “cleaned,” sorted multiple times, and repackaged. (Ex. 4, page from lostgolfballs.com accessed on May 11, 2007).

These balls are undisputedly *not* a representative sample of the one hundred million Pro V1 balls given the unknown environmental and physical degradation the used balls were subject to – Bridgestone has not proffered any evidence to the contrary.

The un-rebutted testimony of Acushnet’s expert established that it is essential that the golf balls tested by Dr. Caulfield be representative of all of the accused products – otherwise it is impossible to extrapolate the results of those tests to all of the accused products. (See D.I. 369, Ex. 15, 2/20/2007 Sutton Report at ¶ 15).

**D. Acushnet’s Competitive Ball Data Does Not Qualify Cadorniga to Render a Statistical Opinion.**

Even if Mr. Cadorniga did rely on the few dozen balls that were tested in Acushnet’s competitive ball data to reach his infringement conclusions, as Bridgestone argues in its Opposition, Bridgestone still cannot rely upon Dr. Cadorniga to extrapolate from those few dozen balls, plus the five pond balls, to opine that the sample is a statistically significant enough sample to prove infringement. Acushnet’s competitive ball data does not change the undisputed fact that Mr. Cadorniga is not qualified to give a statistical opinion. Mr. Cadorniga’s opinion that these specific balls are representative of all 100 million Pro V1 balls is nothing other than a layman’s speculative commentary that does not assist the trier of fact; and therefore inadmissible as expert testimony. See *Waldorf v. Shuta*, 142 F.3d 601, 625 (3d Cir. 1998). Mr. Cadorniga’s analysis is reliable for proving the properties of the five balls that Dr. Caulfield tested, and nothing more.

## II. CONCLUSION

For the foregoing reasons, Acushnet respectfully requests the Court to grant its Motion for Summary Judgment of Non-Infringement. Acushnet has demonstrated that it is entitled to, at a minimum, an order precluding Mr. Cadorniga and Dr. Caulfield from offering “expert” testimony that all 100 million Pro V1 golf balls infringe claim 1 of the ‘707 patent.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

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# **EXHIBIT 1**

Exhibit \_\_

**WITNESSES BRIDGESTONE INTENDS TO CALL IN PERSON**

Bridgestone presently intends to call the witnesses identified below to testify in person at trial, or by deposition if unavailable. Bridgestone reserves the right to call any witness identified on Acushnet's witness list, and to call rebuttal witnesses as appropriate.<sup>1</sup>

**FACT WITNESSES**

<b>NAME</b>	<b>ADDRESS</b>
Dan Murphy	Bridgestone Golf, Inc. 14320 Lochridge Blvd. Covington, GA 30014
Seisuka Tomita	c/o Bridgestone Sports Co., Ltd. Omori Bellport E Bldg., 6-22-7 Minami-oi, Shinagawa-ku, Tokyo 140-0013 Japan
Michael Jordan	c/o Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Yoshinori Egashira	Bridgestone Sports Co., Ltd. Omori Bellport E Bldg., 6-22-7 Minami-oi, Shinagawa-ku, Tokyo 140-0013 Japan
Hideo Watanabe	Bridgestone Sports Co., Ltd. Omori Bellport E Bldg., 6-22-7 Minami-oi, Shinagawa-ku, Tokyo 140-0013 Japan
Jun Shindo	Bridgestone Sports Co., Ltd. Omori Bellport E Bldg., 6-22-7 Minami-oi, Shinagawa-ku, Tokyo 140-0013 Japan
Hiroshi Higuchi	Bridgestone Sports Co., Ltd. Omori Bellport E Bldg., 6-22-7 Minami-oi, Shinagawa-ku, Tokyo

<sup>1</sup> A revised list of witnesses will be provided once the Court determines whether or how the trial of this case will be phased.

	140-0013 Japan
Jun Ichinose	Bridgestone Sports Co., Ltd. Omori Bellport E Bldg., 6-22-7 Minami-oi, Shinagawa-ku, Tokyo 140-0013 Japan
Atsuki Kasashima	Bridgestone Sports Co., Ltd. Omori Bellport E Bldg., 6-22-7 Minami-oi, Shinagawa-ku, Tokyo 140-0013 Japan
Shigeru Nakayama	Bridgestone Golf, Inc. 14320 Lochridge Blvd. Covington, GA 30014
Akihiko Morikawa	JSR Corporation Hamarikyu Park Side Place 5-6-10 Tsukiji, Chuo-ku Tokyo 104-8410 Japan
Peter Voorheis	c/o Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Shenshen Wu	c/o Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Stan Grissinger	Nike Golf One Bowerman Dr. (RG3038) Beaverton, OR 97005-6453

**EXPERT WITNESSES**

NAME	ADDRESS
John Calabria	Double Eagle Consulting, LLC 741 Shefwood Drive Easley, SC 29642
Nick Price	c/o Bridgestone Golf, Inc. 14320 Lochridge Blvd. Covington, GA 30014
Dr. Edward M. Caulfield, Ph.D., P.E.	Packer Engineering, Inc. P.O. Box 353 1950 N. Washington St. Naperville, IL 60566-0353
Larry Cadorniga	LCC International B179 Namunga

	Rosario, Baangas Philippines 4225
Dr. E. Bryan Coughlin	Department of Polymer Science and Engineering Room A612, Conte Research Center University of Massachusetts 120 Governors Drive Amherst, MA 01003
Dr. Kim B. Blair	Massachusetts Institute of Technology Department of Aeronautics and Astronautics, 7-110 77 Massachusetts Avenue Cambridge, MA 02139-4307
Dr. Avraam I. Isayev	The University of Akron Institute of Polymer Engineering Akron, OH 44325-0301
Dr Rabindra D. Mehta	Fluid Mechanics Laboratory Mail Stop 260-1, NASA Ames Research Center Moffett Field, CA 94035-1000
John C. Jarosz	Analysis Group 1899 Pennsylvania Avenue N.W., Suite 200 Washington, DC 20006

**Specialties of the Experts to be called as witnesses**

Summaries of the specialties of the experts Bridgestone intends to call are set out below. Further details are set out in their expert reports and CVs attached thereto.

**John Calabria**

*Owner, Principal Consultant, Double Eagle Consulting, LLC*

Mr. Calabria has more than 20 years of research, development and manufacturing experience specific to the golf industry. During his career, he has worked for the largest golf companies.

From 2005 until the present, Mr. Calabria has been the owner of, and principal consultant for, Double Eagle Consulting, LLC where his responsibilities include consulting to the golf ball industry in the areas of tooling, manufacturing improvements, product enhancements, equipment design and intellectual property issues. From 2003 through the end of 2004, Mr. Calabria was employed by TaylorMade-adidas Golf as Head of Golf Ball Technical Operations. From 1995

through the end of 2003, Mr. Calabria was employed by Dunlop Slazenger Group as Vice President – Golf R&D Worldwide. From 1988 through 1995, Mr. Calabria was employed by Titleist/FootJoy Worldwide as a Senior Project Manager – R&D (1988-1993) and Senior Project Manager – Urethane (1993-1995). Mr. Calabria also worked at Spalding Sports Worldwide as a Manager, Industrial Engineering.

Mr. Calabria earned a Bachelor of Science Degree in Zoology and Chemistry in 1972 from the University of Massachusetts in Amherst, MA. He earned a Master of Science Degree in Mechanical Engineering in 1976 from the University of Massachusetts in Amherst, MA.

Mr. Calabria's testimony will cover the game of golf in general. He will testify as to golf ball performance characteristics, and the effects of different design parameters on performance. Mr. Calabria will also testify as to the historical development of golf ball technology, in particular, the transition from wound ball to solid ball technology. Mr. Calabria may also offer testimony rebutting assertions by Acushnet that Bridgestone's patents are invalid.

**Nick Price**

*Member, PGA Champions Tour*

Mr. Price is a professional golfer on the PGA's Champions Tour. He began his professional golf career in 1977 on the Southern Africa Tour, before moving to the European Tour and then to the PGA Tour in 1983. Mr. Price has 18 PGA Tour wins.

Mr. Price has many other wins on the European Tour and in other sanctioned tournaments. By the mid-90s, Mr. Price was regarded as the best player in the world, and in 1994 he won two majors back-to-back, The Open Championship (*a.k.a.*, the British Open) and the PGA Championship, adding to his first major (also the PGA Championship) from 1992. He topped the PGA Tour money list in 1993 and 1994, setting a new earnings record each time, and spent 43 weeks at number 1 in the Official World Golf Rankings. Mr. Price was inducted into the World Golf Hall of Fame in 2003. In 2005, he was awarded the Bob Jones Award, the highest honor given by the United States Golf Association in recognition of distinguished sportsmanship in golf.

Mr. Price will testify as to the historical development of golf ball technology, in particular, the transition from wound ball technology to solid ball technology, how a golf ball is evaluated by a golfer, including the parameters of spin, feel, distance, control, and compression. Mr. Price will also testify as to Bridgestone's role in the development of solid golf ball technology.

**Dr. Edward Caulfield, Ph.D., P.E.**  
*President and Chief Technical Officer*  
*Packer Engineering, Inc.*

Dr. Caulfield is the President and Chief Technical Officer of Packing Engineering, Inc. Packer Engineering is a multi-disciplinary engineering consulting and technical services company with locations in Naperville, Illinois, Washington D.C., and Ann Arbor, Michigan.

Dr. Caulfield received his doctorate in theoretical and applied mechanics from the University of Illinois at Champaign/Urbana in 1978. He is a registered Professional Engineer in the States of Illinois and Florida. Prior to joining Packer Engineering in 1979, Dr. Caulfield was an Assistant Professor in the Department of Mechanical Engineering at the University of Illinois. At the University of Illinois, he taught courses in dynamics, vibration, material science and design of machinery. Dr. Caulfield is a member of Sigma Xi (Scientific Honorary Society) and has published and/or presented over 20 technical papers. Dr. Caulfield's expertise encompasses a wide array of engineering disciplines, including material properties, behavior of materials, and testing those properties and behaviors.

Dr. Caulfield will testify as to testing and analysis conducted by him and protocols of testing the accused Acushnet golf balls as well as the results of those test. He will also testify as to the testing done on alleged prior art golf balls and golf ball cores. Dr. Caulfield will also testify in rebuttal as to testing done on articles related to Acushnet's invalidity positions.

**Larry C. Cadorniga**  
*Principal, LCC Consulting*

Mr. Cadorniga has more than 30 years of experience in research and development in the golf industry. Mr. Cadorniga is the inventor of many U.S. Patents. During his career, Mr.

Cadorniga has successfully developed, introduced and manufactured over 55 unique products for the golf industry. He has worked for the largest companies in the golf industry, including Acushnet/Titleist, Wilson Sporting Goods, Dunlop-Slazenger Corp., MacGregor Golf Company and Bobby Grace Golf Designs. He has held positions of Director of Golf Ball Operations, Director of Research and Development, Senior Chemist, Manufacturing Manager, Manager of Product Engineering, Manufacturing Supervisor, and Manager of Product Development.

Mr. Cadorniga studied chemical engineering at the University of Santo Tomas in Manila, Philippines and has taken courses in the field of rubber technology and management at the Philips Cross Quality College in Atlanta, Georgia.

Mr. Cadorniga will testify as to Acushnet's infringement of the Bridgestone patents-in-suit. Mr. Cadorniga may also offer testimony rebutting assertions by Acushnet witnesses that the Bridgestone patents-in-suit are invalid.

**Dr. E. Bryan Coughlin**

*Association Professor of Polymer Science and Engineering  
University of Massachusetts*

Dr. Coughlin is an Associate Professor of Polymer Science and Engineering. He earned his B.A. Chemistry from Grinnell College 1988 and his Ph.D. in Chemistry from the California Institute of Technology in 1993.

Dr. Coughlin has received many awards, including the National Science Foundation (NSF) Career Award in 2003, the 3M Non-Tenured Faculty Awards in 2000, 2001 and 2002, the OMNOVA Solutions Signature University Faculty Award in 2000 and the DuPont Young Faculty Award in 2003, 2004 and 2005.

Dr. Coughlin will testify as to Acushnet's infringement of some of the Bridgestone patents-in-suit. Dr. Coughlin may also offer testimony rebutting assertions by Acushnet that the Bridgestone patents-in-suit are invalid.



**Dr. Kim B. Blair**

*Director, Center for Sports Innovation  
Massachusetts Institute of Technology*

Dr. Blair is the Founding Director of the MIT Center for Sports Innovation ("CSI"). CSI develops new technologies and products enhancing all aspects of the sporting experience, as well as processes and technologies for related performance analyses. As a result of their contributions to the sporting industry, Mr. Blair and CSI have been nationally recognized and have been featured in *Forbes* magazine, the *Boston Globe*, *Outside* magazine, *GQ* magazine, and programs by CNN, the Discovery Channel, NPR, and local network affiliates.

Dr. Blair provides a wide variety of consulting services to the sports industry, including leading product development projects, conducting performance testing of existing and prototype products, and creating concepts for enhancing the experience for sports spectators. As a member of the board of advisors for emerging companies developing innovative sports products using advanced technology, Dr. Blair provides expertise on business and strategic planning, technology assessment and development, development of strategic alliances, and assistance with raising capital.

A recognized expert in sport technology and innovation, Dr. Blair has spoken at the Lemelson Foundation, the Boston Museum of Science, The University of London, and Loughborough University in the UK, and the MIT Center for Innovation and Product Development. Dr. Blair is a technical advisor on sports equipment design for the United States Olympic Committee.

Dr. Blair's professional affiliations include membership in the International Sports Engineering Association, the American Society of Mechanical Engineers, the American Society of Testing and Materials, and the American Society of Biomechanics. He has served as a reviewer for *Journal of Sound and Vibration*, *AIAA Journal of Aircraft* and the *Journal of Sports Engineering*.

Dr. Blair earned a B.A. in Psychology and a B.S. in Mechanical Engineering at the University of Nebraska. At Purdue University, he earned an M.S. in Mechanical Engineering and a Ph.D in Aeronautics and Astronautics.



Dr. Blair will testify as to advancement of technology in sports, including golf, the innovation of solid, multi-layer technology compared to thread wound balls, and the innovation and impact of Bridgestone's golf ball technology compared to conventional thread-wound golf ball technology.

**Dr. Avraam I. Isayev**

*Distinguished Professor of Polymer Engineering  
University of Akron*

Dr. Isayev is the Distinguished Professor of Polymer Engineer at the University of Akron's Institute of Polymer Engineering. Dr. Isayev earned a Masters of Science in Chemical Engineering from the Azerbaijan Institute of Oil and Chemistry in 1964, a Masters of Science in Applied Mathematics from the Institute of Electronic Machine Building in Moscow in 1965 and his Ph.D. in Polymer Engineering from the Institute of Petrochemical Synthesis of the USSR in 1970.

Dr. Isayev has held numerous academic and professional positions during his career. In addition to his professorship at the Institute of Polymer Engineering at the University of Akron, a position he has held since 1983, Dr. Isayev has been a Director of Molding Technology Research and Development Center (MOLDTECH) since 1990, was an senior research associate at the Sibley School of Mechanical and Aerospace Engineering at Cornell University from 1979 to 1983, and was a senior research fellow at the Israel Institute of Technology from 1977 to 1979.

Dr. Isayev currently serves on the editorial board of the *Encyclopedia of Polymer Science* (since 2005) and *Technology and for the Journal of Elastomers and Plastics* (since 1992) and has previously served on the editorial board of the *Advances in Polymer Technology* journal. Dr. Isayev's research has been featured in *Business Week* (1993), *Popular Science* (1994), *Environmental Remediation Technology* (1993), *Vibrations*, The Newsletter of Ultrasonic Industry Association (1994), *Tire Business* (1995), *Technical Insights Newsletter* (1997), *Rubber and Plastics News* (1999), *Chemical Engineering* (1999), *NSF Science News* (2000), *AAAS Science Update* (2000), *Plastics Technology* (2001), *Boston Globe* (2002) and other publications and newspapers around the world

Dr. Isayev will testify as to the invalidity and non-infringement issues related to Acushnet's '705 patent.

**Dr. Rabindra D. Mehta**  
*Research Scientist, Fluid Mechanics Laboratory*  
*NASA Ames Research Center*

Dr. Mehta is a research scientist in the Fluid Mechanics Laboratory at NASA Ames Research Center, located in California's Silicon Valley. He also works as a consultant to the sports industry.

Dr. Mehta obtained a B.Sc. (Honours) degree in Aeronautical Engineering from Queen Mary College, University of London in 1975 and a Ph.D. degree from the Department of Aeronautics at Imperial College of Science and Technology, University of London, in 1979. His postgraduate specialization was in experimental fluid mechanics and aerodynamics.

Dr. Mehta has been studying sports ball aerodynamics for over 25 years. In particular, his experience extends to experimental testing of sports balls to measure their aerodynamic forces and performance. This includes specially designed studies which reveal the critical factors that affect the ball aerodynamics. His review article, *Aerodynamics of Sports Balls* published in 1985 was the first of its kind and it is still regarded as the baseline article on the subject.

Dr. Mehta has extensive knowledge and experience in the field of golf ball aerodynamics, including the design and impact of dimples on the aerodynamics of golf balls. He has also participated in outdoor range testing of golf balls with novel dimple designs and in the measurement of lift and drag forces on spinning golf balls using indoor testing facilities. He has studied the aerodynamics of baseballs, golf balls, cricket balls and volleyballs and has recently participated in a project on tennis balls. He has extensive expertise with all kinds of sports balls and their aerodynamics and has have written several articles on the subject. Dr. Mehta's mainline research work focuses on experimental studies of complex aerodynamic flows and advanced instrumentation development. Dr. Mehta has authored over 30 publications on sports

ball and sports equipment aerodynamics (22 in the last 10 years) and over 115 publications on his mainline research work.

Dr. Mehta will testify on issues related to the non-infringement of Acushnet's '861, '587 and '367 patents.

**John C. Jarosz**  
*Managing Principal, Analysis Group*

Mr. Jarosz is a managing principal of Analysis Group, Inc. and director of the firm's Washington, DC office. Mr. Jarosz is an economist whose specialty is intellectual property valuation and monetary relief assessment. He has been involved in more than 200 such assessments spanning a broad range of industries, including sporting goods.

Mr. Jarosz earned his B.A. in Economics and Organizational Communication from Creighton University and his M.A. in Economics from Washington University where he was a Ph.D. candidate. Mr. Jarosz has also earned his J.D. from the University of Wisconsin.

Mr. Jarosz has testified at trial on intellectual property and related issues over three dozen times. He has significant expertise evaluating and testifying on damages in patent, trademark, copyright, trade secret, and unfair competition cases. He has worked on significant cases such as the Kodak/Polaroid patent infringement litigation, the Apple Computer/Microsoft/Hewlett-Packard copyright infringement litigation, and the *Michelson v. Medtronic* breach of contract litigation. He has assisted clients across a variety of industries, including semiconductors, computer hardware and software, medical devices, consumer products, biotechnology, and pharmaceuticals.

Mr. Jarosz is a frequent lecturer and writer on intellectual property issues and has been both a columnist and advisory board member of *The IP Litigator*. He is an active member of the Licensing Executives Society and belongs to the American Economic Association and the American and Wisconsin Bar Associations.

Mr. Jarosz will offer testimony relating to a reasonable royalty and as to the damages to which Bridgestone is entitled due to Acushnet's infringement of the Bridgestone patents-in-suit.

**Exhibit \_\_****WITNESSES BRIDGESTONE INTENDS TO CALL BY DEPOSITION**

Bridgestone presently intends to call the witnesses identified below to testify in person or by deposition at trial. Bridgestone reserves the right to call any witness identified on Acushnet's witness list, and to call rebuttal witnesses as appropriate.<sup>2</sup>

**FACT WITNESSES**

<b>NAME</b>	<b>ADDRESS</b>
Steven Aoyama	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Eric Bartsch	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Jerry Bellis	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Laurent Bissonnette	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Herb Boehm	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Dave Bulpett	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
William Burke	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Chris Cavallaro	Acushnet Company 333 Bridge Street Fairhaven, MA 02719

<sup>2</sup> A revised list of witnesses will be provided once the Court determines how the trial of this case will be phased.

Jeff Dalton	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Patrick Elliott	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Rastko Gajic	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Ed Hebert	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Michael Jordan	c/o Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Doug Jones	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Derek Ladd	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Troy Lester	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Francis deS. Lynch	c/o Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Bill Morgan	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Joseph Nauman	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Traci Olson	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Murali Rajagopalan	Acushnet Company 333 Bridge Street Fairhaven, MA 02719

Peter Voorheis	c/o Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Ken Welchman	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
Jay Williams	Acushnet Company 333 Bridge Street Fairhaven, MA 02719
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# **EXHIBIT 2**

**THIS EXHIBIT HAS BEEN  
REDACTED IN ITS ENTIRETY**



# **EXHIBIT 3**

**THIS EXHIBIT HAS BEEN  
REDACTED IN ITS ENTIRETY**

# **EXHIBIT 4**



#1 in Used Golf Balls

Earn Dis

## Shop By Brand:

Titleist  
 Callaway  
 Nike  
 Precept  
 Maxfli  
 TopFlite  
 Srixon  
 Wilson  
 Pinnacle  
 Dunlop  
 Strata  
 Slazenger  
 TaylorMade

## New Range Products

## Practice Products

Ladies  
 Color Golf Balls  
 New Golf Balls  
 New Golf Clubs

## Tees

## Bulk Packs

## Sampler Packs

## Clearance

## Specials

## What's New

## Golf Gloves

## Golf Accessories

## Golf Club Headcovers

## Golf Gifts

## Shipping Estimator

## FREE Shipping orders

over \$75

## Return Policy

## About Us

You can count on us to be here for many years to come -- we've been retrieving golf balls from courses across the United States since 1992.

You'll find your favorite ball among our wide selection of virtually every popular golf ball brand and model available - as we've become the largest golf ball Retrieval Company in the world. In fact, we currently have exclusive rights to recover balls from over 2,500 courses.

You'll enjoy the highest quality used balls (see the comments interspersed within our pages from our thousands of satisfied customers!). Our divers recover balls from golf courses across the country.

Once retrieved, balls are:

- Cleaned
- Sorted by quality
- Sorted again for quality and brand
- Resorted and packaged for your enjoyment

### Higher quality and more models in stock

Because we contract directly with over 2,500 courses to get our balls, we get first choice of balls available, ensuring our highest quality and consistent in-stock supply. The other guys buy the leftovers from middlemen. That's why customers have named us #1 in quality and value in used balls.

Choose from:

**1st Quality:** Like new, all white balls, ranging from perfect condition to very minor imperfections.

**2nd Quality:** Slightly blemished balls, may have slight scuff or slight discoloration.

**3rd Quality:** Slightly more scuffed or blemished balls, plus X-outs and practice balls that range from 1st to 2nd quality.

### You'll welcome our fastest service on the web

Typically, your orders are processed and shipped within 24 hours!

### You'll be highly satisfied - or your MONEY BACK

Great care is taken to assure that you receive the finest quality possible. We gladly stand behind a money back guarantee on every item we sell.

### You'll want to tell your friends - and earn discounts on future purchases

We have one request. If your experience is as good as we believe it will be -- please Tell A Friend.

Enjoy some good golfing!!

Gary Krueger, President

Lostgolfballs.com: #1 in Golf Balls used golf balls

PAGE 2 OF 2



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Popular golf ball brands: [Titleist Golf Balls](#) | [Callaway Golf Balls](#) | [Nike Golf Balls](#) | [Maxfli Golf Balls](#)

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on May 18, 2007, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading:

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